REMARKS

Status Summary

Claims 1-6, 8, 11-20, 22-26, and 28-30 are pending in the present application. Claims 25, 26, and 28-30 have been withdrawn from consideration, and claims 1-6, 8, 11-20, and 22-24 presently stand rejected. Claims 1, 2, 4, 14, 19, 20, 22, and 23 are amended as indicated above. No new matter has been introduced by the present amendments. Reconsideration of the application as amended and based on the remarks set forth hereinbelow is respectfully requested.

Specification

The Examiner has stated that the Abstract of the Disclosure is objected to because of the inclusion of legal phraseology. The Abstract has been amended as indicated above to address this objection.

Claim Rejection - 35 U.S.C. § 112

Claims 1-6, 8, 11-20, and 22-24 stand rejected by the Examiner under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which application regards as the invention.

In particular, regarding claim 1, the Examiner contends that it is not clear how the receiving portion of the cell and the plug or jack portion are structurally related to one another. The Examiner further contends that it is not clear whether the one end of the two electrodes that form a sensor unit are physically located in the blood sample that is located in the receiving portion of the cell. The Examiner also

contends that it is not clear how the opposite end of the at least one electrode pair forms a plug or jack portion when it is recited that a portion of the structure of the cell forms a plug or jack portion. Claim 1 has been amended as indicated above to address each of these rejections. Specifically, claim 1 has been amended to recite that the plug or jack receiving portion is adjacent to the blood receiving portion, one end of the at least one electrode pair is positioned inside the blood receiving portion of the cell, and the plug or jack portion of the at least one electrode pair is distinct from the plug or jack receiving portion of the cell. Support for these amendments can be found in the specification as originally filed, for example at page 12, lines 5-10; at page 13, lines 16-17 and 23-26; and in Figures 1 and 4.

Regarding claims 2, the Examiner contends that the phrase "such as" renders the claim indefinite. Claim 2 has been amended as indicated above to more clearly recite a particular list of materials that can be used to form the cell.

Regarding claim 4, the Examiner contends that the phrase "the open face side" lacks antecedent basis. Claim 4 has been amended as indicated above to define that the receiving portion has one open face side, thereby defining an antecedent for the phrase "the open face side".

Regarding claim 14, the Examiner contends that the phrase "the platelet aggregation" lacks antecedent basis. Claim 14 is amended as indicated above to remove the replace the term "the platelet aggregation" with the term "platelet aggregation", which does not require an antecedent.

Regarding claims 19, 20, 22, and 23, the Examiner contends that the term "preferably" renders the claims indefinite. Each of these claims has been amended as indicated above to delete the objected to term.

Further regarding claim 19, the claim has been amended in accordance with the Examiner's suggestion to replace the term "0,2 to 2 % silver" with the term "0.2 to 2% silver". In addition, the feature of the silver-copper alloy comprising "most preferably 0,9 % silver" has been deleted.

Regarding claim 20, the Examiner contends that the phrases "such as" and "such like" render the claim indefinite. These phrases have been deleted from claim 20 as indicated above. Further, the Examiner suggests that the term "0,5 to 20 g/kg" should be changed to "0.5 to 20 g/kg". The claim has been amended according to the Examiner's suggestion.

Regarding claim 22, the Examiner contends that the phrase "the electrode wires" lacks antecedent basis. Claim 22 has been amended as indicated above to recite that the at least one electrode pair comprises electrode wires. Further, the claim has been amended in accordance with the Examiner's suggestion to replace the phrase "about 0,1 to 0,5 mm, preferably 0,3 mm" with the phrase "about 0.1 to 0.5 mm."

Regarding claim 23, the Examiner contends that the phrase "the means" should be changed to "the means for circulating", the trademarked term "TEFLON" is not permitted, and the phrase "for example" renders the claim indefinite. The claim has been amended as indicated above to address each of these issues. Claim 23

has been amended to replace the term "the means" with the term "the means for circulating", to replace the term "Teflon" with its non-trademarked chemical name "polytetrafluoroethylene", and to delete the phrase "for example". The specification has also been amended as indicated above to particularly state that "Teflon" is understood to mean "polytetrafluoroethylene".

In view of the amendments described above, it is respectfully submitted that the claims particularly point out and distinctly claim the subject matter which application regards as the invention. As a result, it is respectfully requested that the rejections to the claims under 35 U.S.C. § 112, second paragraph, be withdrawn at this time.

Claim Rejection - 35 U.S.C. § 103

Claims 1-3, 8, 12-17, 22, and 23 stand rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,840,806 to Stoner et al., hereinafter referred to as "Stoner", in view of U.S. Patent No. 4,319,194 to Cardinal et al., hereinafter referred to as "Cardinal". In addition, claims 18-20 stand rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Stoner and Cardinal in view of U.S. Patent No. 6,584,349 to Sage Jr. et al., hereinafter referred to as "Sage". The positions of the Examiner with respect to claims 1-3, 8, 12-20, 22, and 23 are respectfully traversed as described below.

Independent claim 1 as amended above recites a cartridge device **20** comprising a cell **9** and an electrode holder **14**. The cell **9** comprises a blood

receiving portion **10** and a plug or jack receiving portion **12**. The electrode holder **14** comprises at least one electrode pair **16**, **24**, **25**, **26** and is attached to the cell **9** such that one end **16a**, **24a**, **25a**, **26a** of each electrode pair **16**, **24**, **25**, **26** is placed inside the blood receiving portion **10** of the cell **9** and that the other end **16b**, **24b**, **25b**, **26b** is placed inside the plug or jack receiving portion **12** of the cell **9**, as can be seen for example in Figures 1 and 4 of the present invention in combination with the originally filed description thereof.

The advantage of such a construction is that a respective plug or jack can be placed in the plug or jack receiving portion **12** of the cell **9** during operation, and the plug or jack can thereby be directly connectable to the respective ends **16b**, **24b**, **25b**, **26b** of the electrode pair(s) **16**, **24**, **25**, **26** positioned inside the plug or jack receiving portion **12**. Hence, a user simply has to place a respective plug or jack in the plug or jack receiving portion **12** of the cell **9** to connect the cartridge device **20** to an analyzing device or the like. No complicated connection of the respective ends **16b**, **24b**, **25b**, **26b** of each electrode pair and the respective analyzing device has to be performed. Thus, analysis of the respective blood sample can be faster and easier compared to the solutions of the prior art.

In contrast, Stoner fails to disclose either a plug or jack receiving portion or an end of each electrode pair being positioned inside said plug or jack receiving portion. Instead, Stoner teaches a cup-shaped sample container **60** with a reinforced base member **72** arranged on the bottom of the container **60**. Two wires **74** that are electrically connected to electrodes **68** placed inside the container **60** protrude from

the base member **72** to serve as plugs for electrical connection of the electrodes **68** to an apparatus **76** (See, e.g., Fig. 7 of Stoner). In this arrangement, the wires **74** are very susceptible to damage or breakage, which can thus result in a malfunction of the analysis. Further, the electrical connection of the wires **74** to the apparatus **76** is very inconvenient to handle. Since the wires **74** are not arranged inside a plug or jack portion, there is no guide for connecting the wires **74** to the apparatus **76**, and thus they have to be threaded into respective adapters arranged at the apparatus **76** each time the container **60** is changed to perform a new analysis, which can be difficult and tedious.

The cartridge device recited by the present claims avoids these problems, however, because of the arrangement of the at least one electrode pair with respect to the cell. Specifically, claim 1 has been amended to more particularly recite that the separate plug or jack receiving portion can receive the respective ends of each electrode pair for electrical connection to a respective analyzer. Support for this amendment can be found in the specification as originally filed, for example at page 16, line 14-19, and in Figures 3-6. In this configuration, a respective plug or jack can be inserted into the plug or jack receiving portion of the cell in a stable manner and being thus automatically connected to the respective ends of the electrode pair. In addition, damaging of the respective electrode ends (e.g. during a connection of an analyzing device) can be avoided. Hence, a much more convenient handling is provided such that the user merely has to insert a respective plug or jack into the plug or jack receiving portion.

In contrast, Stoner merely discloses a container and has no plug or jack receiving portion at all. In fact, Stoner discloses a wire pair that is not inserted in a protective plug or jack receiving portion, but rather is positioned in an unprotected manner outside the container. In this way, the device according to the present claims provides a more convenient electrical connection to a respective plug that is not disclosed, taught, or suggested by Stoner.

Regarding the remaining prior art references cited in combination with Stoner, it is respectfully submitted that none of these references remedies the deficiencies of Stoner discussed above. In particular, Cardinal describes a cuvette **1** with two electrodes **4a** and **4b** being placed inside the cuvette **1**. An electrical analyzing circuit is connected to the electrodes by means of wires **6** that protrude from a lid **5** of the cuvette **1**. Cardinal provides no teaching that cuvette **1** can include a plug or jack receiving portion adjacent to but distinct from the blood receiving portion, with ends of the electrodes **4a** and **4b** being positioned inside the plug or jack receiving portion. Sage is directed only to the construction of electrodes, and thus likewise fails to disclose these features of the cartridge device recited in the present claims.

As a result, it is respectfully submitted that Stoner, taken either alone or in combination with one or both of Cardinal or Sage, fails to teach or suggest every element of the device of independent claim 1. Accordingly, it is respectfully requested that the rejection of claim 1 under 35 U.S.C. § 103(a) be withdrawn and the claims allowed at this time. In addition, claims 2, 3, 8, 12-20, 22, and 23 depend upon claim. Accordingly, it is respectfully submitted that the above remarks apply

equally to these claims, and therefore the rejections of claims 2, 3, 8, 12-20, 22, and 23 should likewise be withdrawn and the claims allowed at this time.

Allowable Claims

Applicants appreciate the Examiner's indication that claims 4-6, 11, and 24 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims. In view of the amendments to the claims and the arguments presented above, however, it is respectfully requested that these claims be indicated as allowable without further amendment.

CONCLUSION

In light of the above amendments and remarks, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited.

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Official Action.

DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. 50-0426.

Respectfully submitted,

JENKINS, WILSON, TAYLOR & HUNT, P.A.

Date: 8/6/10 By: _____

Jeffrey L. Wilson
Registration No. 36,058

Customer No: 25297

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